

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

LINDA CRAWFORD  
*Plaintiff*

VS

C.A. No. \_\_\_\_\_

SALVE REGINA UNIVERSITY (SRU);  
SALVE REGINA UNIVERSITY BOARD  
OF TRUSTEES THROUGH ITS  
PRESIDENT DR. KELLIE J.  
ARMSTRONG; JAMES G. MITCHELL,  
CHAIR SRU DEPARTMENT OF MODERN  
LANGUAGES and PRESIDENT, SALVE  
REGINA AAUP CHP; ESTHER  
ALARCON-ARANA, FACULTY, SRU  
DEPT. OF MODERN LANGUAGES;  
EMILY COLBERT-CAIRNS; FACULTY,  
SRU DEPT. OF MODERN LANGUAGES  
*Defendant*

**DEFENDANTS' NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants hereby notice the removal of this action from the State of Rhode Island Superior Court, Newport County (the “Newport Superior Court”), where it is currently pending under Civil Action No. NC-2023-0189, to the United States District Court for the District of Rhode Island.

This case is removable under 28 U.S.C. § 1441(a) because Plaintiff, Linda Crawford (“Plaintiff”) invokes Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* and the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* in Counts VII, VIII and IX of her Complaint (attached hereto as *Exhibit A*), which supplies the Court with original jurisdiction under 28 U.S.C. § 1331.

As grounds for removing this matter, Defendants state as follows:

### **I. TIMELINESS OF REMOVAL**

On August 30, 2023, the parties stipulated that Defendants' counsel accepted service of the Plaintiff's Complaint "as of August 21, 2023." (*Exhibit B*). Accordingly, Defendants are filing this Notice within the 30-day deadline set by 28 U.S.C. § 1446(b)(1). *See Murphy Bros. v. Michetti Pipe Stringing*, 526 U.S. 344, 347-48 (1999) ("[A] named defendant's time to remove is triggered by simultaneous service of the summons and complaint, or receipt of the complaint, "through service or otherwise," after and apart from service of the summons, but not by mere receipt of the complaint unattended by any formal service.").

### **II. VENUE**

Since Plaintiff filed the Complaint within the Rhode Island Superior Court for Newport County, venue is proper in this Court because it is the "district and division embracing the place where [this] action is pending." 28 U.S.C. § 1441(a); *see* 28 U.S.C. § 120 (stating that "Rhode Island constitutes one judicial district.").

### **III. BASIS FOR REMOVAL: FEDERAL QUESTION JURISDICTION**

Defendants can remove this action under 28 U.S.C. § 1441(a) because the United States District Court has original jurisdiction over this case under 28 U.S.C. § 1331, which provides that "[t]he district courts shall have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States." Counts VII, VIII, and IX of Plaintiff's Complaint allege that Defendants violated Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Age Discrimination in Employment Act, and the other counts are so related to Plaintiff's federal claims that they form a part of the same case or controversy under Article III of the United States Constitution. 28 U.S.C. § 1367(a). As such, this Court has supplemental jurisdiction over Plaintiff's non-federal claims. *Id.*

By invoking federal law, Plaintiff's Complaint asserts a federal question under 28 U.S.C. § 1331 and is therefore removable under 28 U.S.C. § 1441(a). Accordingly, the Court has jurisdiction over this matter without regard to the amount in controversy or the citizenship of the parties.

**IV. ALL DEFENDANTS JOIN IN REMOVAL**

Pursuant to 28 U.S.C. § 1446(b)(2)(A), all Defendants who have been properly joined and served join in this removal.

**V. CONCLUSION**

WHEREFORE, Defendants respectfully request that this Honorable Court take jurisdiction over this action and issue all necessary orders and process to remove said action from the Newport Superior Court to the United States District Court for the District of Rhode Island.

Defendants will file a copy of this Notice with the Clerk of the Newport Superior Court.

Respectfully submitted,

Defendants,

By their Attorneys,

*/s/ Joseph D. Whelan*

*/s/ Sara A. Rapport*

*/s/ Matthew H. Parker*

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Joseph D. Whelan (#5694)

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Dated: September 13, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2023, I caused a copy of the foregoing document to be served upon counsel of record via electronic mail as follows:

Stephen T. Fanning  
305 South Main Street  
Providence, RI 02903  
Stephen.fanning@msn.com

/s/ Matthew H. Parker

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